

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

SHAWN HORNBECK,)
MONTE BURGESS,)
RAYMOND BIERI,)
DAN CHEVALIER,)
JAMES KIRCHER,)

each on behalf of himself)
and others similarly situated;)

Plaintiffs,)

v.)

ORSCHELN FARM AND HOME, LLC)
d/b/a ORSCHELN FARM AND HOME)

CITGO PETROLEUM CORPORATION)

THE FAMILY CENTER)
OF HARRISONVILLE, INC.)

Defendants.)

Case No. 18-00941-CV-W-BP

JURY TRIAL DEMANDED

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO JOIN ADDITIONAL PARTIES
AND TO FILE A THIRD AMENDED CONSOLIDATED CLASS ACTION COMPLAINT**

COME NOW Plaintiffs, and file this Unopposed Motion for Leave to Join Additional Parties and to file a Third Amended Consolidated Class Action Complaint, a copy of which is attached hereto as Exhibit A. In further support, Plaintiffs state and allege as follows:

1. Plaintiffs seek leave to file their proposed Third Amended Consolidated Class Action Complaint pursuant to an agreement with Defendants on key terms of a multi-state class action settlement currently being finalized into a full Settlement Agreement and Release that will be filed with the Court on or before January 30, 2020 as part of Plaintiffs' Motion for Preliminary Approval of a Class Action Settlement.

2. Pursuant to the key term agreement, Defendants do not oppose the filling of this Motion or the Third Amended Consolidated Class Action Complaint.

3. This Motion seeks to add 15 new Plaintiffs as Class Representatives, including those from other cases in other jurisdictions, which cases are being dismissed without prejudice as part of the Settlement Agreement and Release.

4. This Motion also seeks to add one additional Defendant: retailer Blain Supply, Inc. d/b/a Farm and Fleet.

5. Still further, the proposed Third Amended Consolidated Class Action Complaint amends the class definitions.

6. Plaintiffs seek to file their proposed Third Amended Consolidated Class Action Complaint for proper purposes, and Plaintiffs' request is timely.

WHEREFORE, for each and all of the foregoing reasons, Plaintiffs respectfully request the Court's Order granting them leave to join additional parties and to file the Third Amended Consolidated Class Action Complaint which is attached hereto as Exhibit A.

Date: January 15, 2020

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFFS
AND CLASS MEMBERS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the United States District Court for the Western District of Missouri, with notice of case activity to be generated and sent electronically by the Clerk of the Court to all designated persons this 15th day of January, 2020.

/s/ Dirk Hubbard